

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KEVIN L. BALLARD,

Plaintiff,

vs.

SHANE THURMAN and
DANIAL DANAHER,

Defendants.

8:22CV90

**MEMORANDUM
AND ORDER**

Plaintiff has requested a second extension of time for service of discovery documents (Filing 21). The motion will be denied for failure to make a sufficient showing of good cause for further modification of the court's scheduling order. *See* Fed. R. Civ. P. 16(b)(4). In Plaintiff's first motion for extension of time, which was postmarked July 6, 2022, Plaintiff represented, "I have both interrogatories and [requests for] admissions done" (Filing 19). Even though Plaintiff had until July 6 to serve those interrogatories and requests for admission under the original case progression schedule (Filing 16), the court granted Plaintiff's request for a one-week extension. Plaintiff now claims there was "no way" for him to serve the discovery requests by the extended deadline of July 13 because he did not receive the court's order granting the extension until that date. Plaintiff did not need to await receipt of the court's order before mailing his discovery requests to Defendants, but even if he mistakenly believed that he did, Plaintiff has not explained why he was unable to mail the interrogatories and requests for admission on July 13.

IT IS THEREFORE ORDERED that Plaintiff's second motion for extension (Filing 21) is denied.

Dated this 19th day of July 2022.

BY THE COURT:



Richard G. Kopf
Senior United States District Judge